IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1387 OF 2006

Mr.Sanjay Babu Patel. ...Applicant
V/s.
State of Maharashtra. ...Respondent

S/Shri D.M. Mandhare and S.H. Mishra for Applicant.
Shri Y.S. Shinde, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 7, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested on 14th April, 2005 in connection with an offence punishable under Section 302 read with Section 34 of the IPC.

2. The prosecution case is that the applicant assaulted deceased Ramu Gadwal. The post mortem notes indicate that there were several incised wounds on the chest of the deceased. The applicant was apprehended on the spot.

3. The learned Counsel for the applicant submits that the applicant was under the influence of liquor and that he had assaulted in self defence since the deceased was notorious criminal who was convicted for having committed the murder of his brother. It is submitted that the applicant had an apprehension that the deceased would also murder him and therefore, he acted in self defence. The incident, in question, took place suddenly and there was no premeditation on the part of the applicant. It is the case of the applicant that therefore, the case would fall under the fourth exception to Section 300.

4. It is not possible to accept the said submission of the learned Counsel for the applicant. The question whether the applicant had acted in self defence or not can only be decided at the final hearing of the case. Looking to the number of injuries which were found on the person of the deceased, in my view, this is not a fit case for grant of bail. The application for bail is rejected.

5. However, considering the peculiar facts and circumstance of the case, the trial is expedited. The Sessions court to decide the criminal case, as expeditiously as possible and in any case, within a period of six months.

. Application is disposed of in the above terms.

(V.M. Kanade, J.)